

Amendment Would Prevent FCC From Reinstating Fairness Doctrine Or Enacting Broadcast Localism Regulations

WASHINGTON, DC - U.S. Congressman Mike Pence gave the following speech from the floor of the U.S. House of Representatives today, calling for an up-or-down vote on the "Broadcaster Freedom Amendment," which he co-authored with Congressman Greg Walden to prevent the Federal Communications Commission from reinstating the so-called "Fairness Doctrine" or enacting proposed broadcast localism regulations during the next fiscal year:

"The American people love a fair fight and so do I, especially where the issues of the day are being debated. In a free market, fairness should always be determined based upon equality of opportunity, not equality of results. Everyone, in effect, should have a chance to make their case.

"That's why it's so disturbing to many of us that some of the leading voices in Congress over the last two years have been calling for Congress to enforce an idea of 'fairness' on the airwaves of America in the form of restoring the so-called 'Fairness Doctrine.' But our nation should proceed with caution whenever some would achieve 'fairness' by limiting the freedom of others.

"The American people cherish their freedom; it is in effect a blood-bought right, there is totality of agreement on this floor about that. In fact, that's why, I believe, President Ronald Reagan repealed the so-called 'Fairness Doctrine' after it had been in place for almost four decades back in 1987. The 'Fairness Doctrine' actually regulated the content of radio for much of the last century and limited the ability of radio stations to deal with controversial issues without meeting a standard of equal time or balance or record-keeping and as a result of that, as many of us old enough to remember will attest, talk radio as we know it today virtually did not exist before 1987.

"Well, with some of the talk of restoring the 'Fairness Doctrine' to the law of the land, Congressman Greg Walden of Oregon and I have been working over the last two years to ensure broadcast freedom. We've co-authored the 'Broadcaster Freedom Act,' which is cosponsored by every Republican in the House of Representatives and this week we'll bring to the floor a 'Broadcaster Freedom Amendment' as a part of the Financial Services Appropriations Bill. Many may not know, looking in, Madam Speaker, that the Federal Communications Commission receives its entire budget through the Financial Services Appropriations Bill, and we believe this is an opportune time, as we were able to do two

years ago to use the power of this Congress and the people in this Congress on both sides of the aisle, to advocate for the freedom of the airwaves of America by limiting the ability of the Federal Communications Commission to bring back the so-called 'Fairness Doctrine.'

"But first, for the uninformed: the 'Fairness Doctrine' is, in effect, something of an Orwellian and Depression-era Federal Communications Commission rule that was devised back in 1949. As I mentioned, it required broadcasters to present both sides of an opinion when discussing controversial topics. It put unelected bureaucrats at the FCC in charge of enforcement and determining what speech was legal and because of the lack of clarity in the Commission's ruling, broadcasters more often than not opted to offer non-controversial programming in lieu of hours of paperwork, countless legal fees and a potential threat to their broadcast license.

"Recognizing the chilling effect that the regulation was having on broadcast freedom, the FCC began actually to overturn its own ruling on the Fairness Doctrine in 1985. Following that change in policy and President Reagan's veto of attempts to reinstate it, the results have been dramatic.

"And think about it.

"Before the 'Fairness Doctrine' was repealed, there were 125 talk radio stations in America, now there are more than 2,000. While Limbaugh and Hannity and Laura Ingraham and other conservative giants are better known to many, the truth is, that when you look at the totality of the talk radio marketplace: from the local level to the regional level to the national level, there is an extraordinary diversity of opinion. Many progressive, moderate and liberal programs succeed extraordinarily well at the local level in many markets around the country.

"Unfortunately, in spite of this recent history and the breakout of broadcast freedom since 1987, there has been talk in the last several years about the need to level the playing field of radio broadcasting by restoring the Fairness Doctrine. Let me say from my heart: I believe it is dangerous to suggest that a government bureaucracy would be a competent arbiter of free speech. As a former radio talk show host myself, I know personally what the 'Fairness Doctrine' did to radio back in the day, and I know that it would ultimately muzzle what is the dynamic public discussion that we call talk radio in

America today.

"Let me be clear on this: I believe that the Broadcaster Freedom Amendment that we'll bring this week, giving Members of this body the opportunity to say 'no' to the 'Fairness Doctrine' and to say 'no' to a new iteration of it that takes the form of regulations under the rubric of 'localism,' I believe that it will be met with broad, bipartisan support.

"If memory serves, two years ago, when I brought the Pence amendment to ban the 'Fairness Doctrine' from being implemented by the FCC, more than 305 Members of Congress voted for it, including a 100 Members of the Democrat majority.

"So I urge support for the Broadcaster Freedom Amendment. Join us in embracing freedom on the airwaves of America, and I yield back the balance of my time."